IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1479 of 2005

Between:

Mandala Nayee Brahmana Samshema Sangam

Regd.No.702/99,Under Act XXI of 1860 of Societies
Act, Peddapappur Village &Mandal, Anantapur Dist. Rep.by its

President M.Nagesham S/o Kondanna,
Aged about: 40 Yrs R/o Peddapappur Village & Mandal, Anantapur

District.

..... PETITIONER

AND

1 The Asst. Commissioner of Endowments, Anantapur, Anantapur

District.
2 Sri. Aswarthanarayana and Sri Bheemalingeswara Swamy Temple,

Rep.by its Executive Officer, Group Temples,
Tadipatri, A Pappur Village, Peddapappur Mandal, Anantapur

District.
3 The Chairman, Sri. Aswarthanarayana And Sri Bheemalingeswara

Swamy Temple, A Pappur Village , Peddapappur Mandal, Anantapur

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in depriving, the petitioner

society of it's right to collect and carry away the human hair at the tonsuring ceremony of Sri Asarthanrayana and Sri Bheemalingeswara Swamy Temple Situated A.Pappur Village, Peddappur Mandal, Anantapur District for their Sevas in lieu of Collection of human hair as only arbitrary, illegal without jurisdiction and contrary of Article 14,19(1) (g),21 and 300A of the Constitution of India and pass such other or further orders as this Hon'ble court may deem fit and proper in the interest of justice and circumstances of the case.

Counsel for the Petitioner:MR.K.V.N.BHUPAL

Counsel for the Respondents No.2 and 3: MR.V.VENUGOPALA RAO

Counsel for Respondent No.1 : GP for Endowments

The Court at the stage of admission made the following ORDER:

The petitioner is an association of Nayee Brahmins of Peddapappur village and mandal of Ananthapur district. It is stated that the members of the association have been performing the tonsure to the intending pilgrims at Aswathanarayana Swamy and Bheemalingesweara Swamyvarla temple, A.Pappur village and have been taking the resultant hair as remuneration. It feels aggrieved by the action of the respondents in conducting the auction in relation to the same. It is stated that such a course of action would impair the rights of the members of the petitioner. Reference is made to certain proceedings issued by the Assistant Commissioner of Endowments, Anantapur, the first respondent.

Heard the learned counsel for the petitioner, learned Government Pleader for Endowments and the learned standing counsel for the temple.

The petitioner claims that its members have been conducting the tonsure of the pilgrims and taking the resultant hair towards remuneration. Whatever may have been the circumstances under which such a course of action was being followed, once the temple intends to put that activity to auction, no exception can be taken. Disposal of the properties or grant of rights in relation to such institutions through the process of auction is considered to be the most transparent one. The question as to whether there exists any legal or customary rights in favour of the members of the petitioner, needs to be considered as and when any application is made for the purpose of regularizing the services of any of their members by the competent authority. The same cannot be related to or linked with the disposal of the resultant hair. However, the rights of the members of the petitioner-association can be protected by directing that they shall be given preferential treatment in the matter of

engagement of workers, by the contractor.

Hence, the writ petition is disposed of with the following directions:

a. It shall be competent for the respondents to award the rights or contract in relation to the tonsuring and lifting the hair at the second respondent temple by conducting auction;

b. The Contractor or the lessee as the case may be, shall engage the members of the petitioner-association for the purpose of undertaking tonsure, if they are willing to work at the remuneration fixed for that purpose;

c. It shall be open to the petitioner-association to make a representation to the competent authority in the Endowments Department to regularize the services of its members in the services of the temple;

d. As and when such representation is received, it shall be examined and appropriate orders be passed, duly taking into account the necessity at the temple to appoint such persons, the nature of rights that exists in favour of the claimants and the financial status of the temple. In such an event, the circular dated 07.04.2000 shall also be kept in view.

e. There shall be no order as to costs.

10.02.2005

Note:

Issue CC in three days.

(BO)

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To

1 The Asst. Commissioner of Endowments, Anantapur, Anantapur

District.

2 Sri. Aswarthanarayana and Sri Bheemalingeswara Swamy Temple,

Rep.by its Executive Officer, Group Temples,
Tadipatri, A Pappur Village, Peddapappur Mandal, Anantapur

District.

3 The Chairman, Sri. Awsarthanarayana And Sri Bheemalingeswara

Swamy Temple, A Pappur Village , Peddapappur Mandal, Anantapur

District.

4 Two CCs. to the G.P. for Endowments, High Court of A.P.,

Hyderabad (OUT).

5 Two CD copies.